

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

§

V.

§

No. 3:95-CR-264-M (01)

§

JOSE PAZ GARCIA,

§

Defendant.

§

§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Under Fed. R. App. P. 24(a)(3)(A) and 28 U.S.C. § 1915(a)(3), and for the reasons stated in the magistrate judge's findings, conclusions, and recommendation, the Court CERTIFIES that this appeal is not taken in good faith. But the Court notifies Defendant that he may challenge this finding, pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

The Court assesses an initial partial filing fee of **\$0.00**.

The agency having custody of Defendant shall collect this amount from the

trust fund account or institutional equivalent, when funds are available, and forward it to the clerk of the district court. *See* 28 U.S.C. § 1915(b)(1). Thereafter, Defendant shall pay **\$505.00**, the balance of the filing fee, in periodic installments. Defendant is required to make payments of **20%** of the preceding month's income credited to his prison account, provided the account exceeds **\$10.00**, until he has paid the total filing fee of **\$505.00**. The agency having custody of Defendant shall collect this amount from the trust fund account or institutional equivalent, when funds are available and when permitted by 28 U.S.C. § 1915(b)(2), and forward it to the clerk of the district court.

If Defendant moves in the Court of Appeals to proceed on appeal IFP, the clerk shall send a copy of this order to the inmate accounting office or other person(s) or entity with responsibility for collecting and remitting to the district court interim filing payments on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

SO ORDERED this 23rd day of June, 2016.



BARBARA M. G. LYNN
CHIEF JUDGE